

The Appellant's CASE.

ONE *Lewis Morgan*, who was the *Appellant Mary's* Brother, who being seized in Fee of a real Estate of 300 l. a Year, which descended to him upon the Death of the *Appellant Mary's* Father, (who died suddenly,) and having made no manner of Provision for the *Appellant Mary*, or her Sisters *Margaret* and *Elizabeth*, and the *Appellant Mary's* Mother surviving her Father, and having a considerable Joynture, and the Inheritance of other Lands, and being willing to get some Allowance for the *Appellant Mary* and her Sister's Subsistence, to be paid within a Year after her Death, delivered up part of her Estate to the said *Lewis Morgan*, who entred into three Bonds, dated 2d. September 1675. Two of them of the Penalty of 120 l. each, for the Payment of 60 l. apiece, to the *Appellant Mary* and her Sister *Elizabeth*, and the other of 140 l. Penalty for Payment of 80 l. to *Margaret*.

That the *Appellant Mary* and her Sisters being very young at the entring into the said Bonds, never knew or heard thereof till some Years after their Mothers Death, who died about the Year 1680.

That the said *Lewis Morgan*, the *Appellant Mary's* Brother being a Batchelor, and very sickly, and she and her Sisters being his Heirs at Law, were unwilling to disoblige him, and therefore declined putting the Bonds in Suit.

But the said *Lewis Morgan* falling into the Hands of the *Respondent*, was by him wrought upon in his Weakness to make his Will, and gave the *Respondent* who was a stranger to him, (and of no Kin or Relation) his whole Estate, and made him his sole Executor. But by a Codicill to his Will charged his Lands with 15 l. a Year apiece, to the *Appellant Mary* and her Sisters during their respective Lives.

That the *Respondent* refusing to pay the *Appellant Mary* the Money secured by her Bond, the *Appellants* brought their Action at Law on the said Bond, whereto the Plaintiff appeared, and pleaded Conditions performed, and a Tryal was thereupon had, and upon full evidence a verdict for the *Appellants*.

To be relieved against which Verdict, and to have up the other two Bonds the *Respondent* exhibited his Bill in Chancery, and suggested for Equity that the Bonds were never executed, or if any such the same were obtained without any Consideration, and during the Minority of the said *Lewis Morgan*.

26^o April 1700. The Master of the Roles upon hearing the Cause, declared 'twas his Opinion that the Annuities of 15 l. a Year apiece, given by the *Testator's* Will, were in full satisfaction of the three Bonds, and therefore decreed the Bonds to be delivered up and Cancelled, and satisfaction to be acknowledged on Record or the *Appellant's* Judgment, at the *Respondent's* Charge, and a perpetual Injunction in the mean time, and since the Decree pronounced, the *Respondent* hath by surprize procured the same to be signed and enrolled, and for some Consideration procured Releases from the *Appellant's* Two Sisters.

That the *Appellants* do humbly hope, it will plainly appear the 15 l. a Year was not given to the *Appellant Mary* and her Sisters in satisfaction of the said Bonds, nor will the *Testator's* Will bear any such Construction, nor is there any Proof that the said *Lewis Morgan* intended the said Annuities in Lieu of the Bonds, nor will the *Respondent's* Bill warrant the Decree. And the *Appellants* having recovered a Verdict at Law on a full Defence, humbly hope they shall have the Benefit thereof, and not be stripped of their whole Debt and Costs at Law, and that by the *Respondent* who hath without any Consideration thrust himself into so large an Inheritance which belonged of right to the *Appellant Mary* and her Sisters, whereby they have been exposed to great Want and Necessities.

And therefore it is humbly hoped the Decree shall be reversed.

C. COXE.

